

ARE WE LEARNING LESSONS FROM OUR PAST? ©2002, Brian A. Smith, D.C.

As we enter the new millenia, all over the planet people are asking the question “Have we learned our lessons from the past?” Within the chiropractic profession, many are asking the same question. In this paper I hope to present a case for learning from our past to, hopefully, prevent a similar problem that is currently looming on the horizon. The lesson from the past I refer to is the “medicalization” of the physical therapy profession; the current problem is the “medicalization” of nutritional therapeutics.

With the passage of the California Chiropractic Practice Ballot Initiative in 1922 the scope of practice for the profession included “.....”, which would eventually be the basis for the formation of the physical therapy profession. To achieve this passage, the leaders of the various factions within the profession set aside their differences to support this ballot initiative. Those leaders did learn their lesson from the failed attempt to pass a ballot initiative in 1920.

But all was not smooth sailing for the newly-licensed profession. Dissension followed the new Board of Chiropractic Examiners (BCE) for years to come. The BCE was made up from members from both the limited and the broad scope of practice camps in hopes of achieving some sort of precarious balance. Unfortunately, those hopes were constantly put to the test as the balance of power of the BCE swung between the two camps.

One of the most damaging incidents occurred when the BCE took the position that the modalities listed in the scope of practice were not, in fact, part of the profession. The BCE pressed the issue by charging Dr. ??? with ??? for using ???. The broad scope practitioners, understandably concerned, wanted to achieve legal protection from their own BCE. To this end, they managed to, once again, qualify a ballot initiative for a public vote in 1934. This initiative would have firmly placed the fledgling profession of physical therapy under chiropractic. It would define physical therapy and establish a licensing process and educational curriculum for the new profession. The ballot initiative did not pass, but the thought of a separate profession called “physical therapy” had entered the consciousness of the people, most notably those practicing physical therapy (PTs).

The PTs did manage to achieve licensure however, they were more aligned with the medical profession than the chiropractic profession. We have seen the result of this “medicalization” of the physical therapy profession in the form of lawsuits filed at various State and the Federal level, asserting their practice rights to the detriment of the chiropractic practice rights.

For a number of years, there has been a similar move to “medicalize” the field of nutritional therapeutics. In several States the American Dietetic Association (ADA) has introduced legislation to license their members and, more importantly, establish a precedent by which insurance companies would actually cover the costs of “medical nutrition.” It is extremely important to understand the long-term ramifications of this last point. By gaining recognition from the insurance industry, in the eyes of many, it

establishes the mentality of “acceptable versus unacceptable.” If an insurance company reimburses for the services of a single profession, even if the practice is not limited to that profession, it lends support to the idea that this profession is somehow better or more qualified to practice in this area. Facts do not matter in this scenario. While most, if not all, of the ADA’s licensing attempts have met with failure, there are more insidious ways to achieve their goal.

The Los Angeles County Department of Public Health (DPH) has adopted a resolution that recognizes the need for nutritional therapy for people who are HIV+. Members of the ADA have been at the forefront of this recognition process. And accordingly, reimbursement for nutritional services, now coined “medical nutrition” in the law, is limited to Registered Dietitians only.